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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,125	08/25/2003	Byoung-Woo Cho	1701.1002	9836
21171	7590	09/16/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MORAN, KATHERINE M	
		ART UNIT	PAPER NUMBER	
			3765	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,125	CHO, BYOUNG-WOO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Katherine Moran	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/25/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 10 and 17 are objected to because of the following informalities: claim 10, line 6: delete the second occurrence of "stretchable"; claim 17 depends from claim 18-this is improper because claim 18 is a method claim, while claim 17 is an apparatus claim. Claim 17 has been treated on the merits as dependent from claim 11. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-7, 11, 12, 14-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. 1,892,515). Lee discloses the invention as claimed. Lee teaches headgear comprising a cap having a crown 11 and visor or sunshield 11b, and a headband attached to the crown and comprising a front part 12 formed of stretchable material and a rear part formed of essentially a non-stretchable material 10. The front part of the headband comprises a bottom edge attached to the crown in tension by stitching 13, with the front part extending circumferentially in the crown along the bottom to edges and beyond edges of the visor. The front part of the headband is stretched and sewn to the crown along a bottom peripheral edge of the crown and a

bottom edge of the front part as shown in Figures 2 and 4. The crown is a fixed size in that the crown's size does not change. The method steps of claims 18-20 are inherent in the structure as taught by Lee.

4. Claims 1, 3, 9-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (U.S. 6,052,831). Park discloses the invention as claimed. Park discloses the invention as claimed. Park teaches headgear comprising a cap having a crown 1 and visor or sunshield 2, and a headband attached to the crown and comprising a front part 7 formed of stretchable material and a rear part formed of essentially a non-stretchable material 3. The front part of the headband comprises a bottom edge attached to the crown in tension by stitching as shown in Figure 3, with the front part extending circumferentially in the crown along the bottom to edges and beyond edges of the visor. The front part of the headband is stretched and sewn to the crown along a bottom peripheral edge of the crown and a bottom edge of the front part as shown in Figure 3. The front part of the headband inclines toward a center of the crown away from a crown side wall.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park '831 in view of Alexander (U.S. 5,613,246). Park discloses the invention substantially as claimed. However, Park doesn't teach an elastic sunshield comprising an extended portion extending inside the headband. Alexander teaches an elastic sunshield 12B with an extended portion 14 extending inside the headband 25. This configuration provides a stable sunshield attachment to the crown. Therefore, it would have been obvious to modify Park's sunshield to provide an extended portion as taught by Alexander, so that the sunshield is prevented from being detached from the crown.

### ***Conclusion***

7. The prior art made of record on the attached PTO-892, and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

September 12, 2005



Katherine Moran

Primary Examiner, AU 3765